

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NATIONAL RAILROAD PASSENGER CORP.,
Plaintiff

CIVIL ACTION NO. 03-12440-DPW

v.

5,103 SQUARE FEET OF LAND, LOCATED
AT 40-46 HARVARD STREET, SITUATED
IN WESTWOOD, MA, et al.,
Defendants

SCHEDULING ORDER

WOODLOCK, D.J.

This Order is intended primarily to aid and assist counsel in scheduling and planning the preparation and presentation of cases, thereby insuring the effective, speedy and fair disposition of cases, either by settlement or trial.

The above-entitled action having been heard on April 7, 2004, it is hereby ORDERED pursuant to Rule 16(b) of the Federal Rules of Civil Procedure and Local Rule 16.1(F), that:

- (1) all trial experts are to be designated and disclosure of information contemplated by FRCP, Rule 26 provided by the plaintiff(s) no later than **AUGUST 15, 2004**, and by the defendant(s) no later than **AUGUST 15, 2004**; deposition discovery of experts may be taken through **SEPTEMBER 30, 2004**;
- (2) fact discovery is to be completed by **AUGUST 1, 2004**, unless shortened or enlarged by Order of this Court;
- (3) no summary judgment motions are contemplated;
- (4) **ELECTRONIC FILING**: All future submissions in this case are subject to electronic filing and all counsel who choose to appear must make arrangements to register for participation in electronic case filing, if they have not already done so. In addition to electronically filing any pleading, counsel shall also file all submissions relating to dispositive matters with the Court in hard copy, clearly marked "**Courtesy Copy - Do Not Scan**" on the cover page of each pleading/submission. Notices, orders and

memoranda of the Court will only be filed and served electronically.

- (5) a pretrial conference will be held on **NOVEMBER 18, 2004 AT 2:30 p.m.** before Judge Douglas P. Woodlock and must be attended by trial counsel. Counsel shall be prepared to commence trial as of the date of the final pretrial conference.
- (6) if the parties seek alternative dispute resolution through this Court, a written request shall be made to the clerk for a referral to this Court's ADR program. This schedule shall not be altered notwithstanding any referral to ADR.

All provisions and deadlines contained in this order having been established with the participation of the parties to this case, any requests for modification must be presented to the judge or magistrate judge, if referred for case management proceedings. Any requests for extension will be granted only for good cause shown supported by affidavits, other evidentiary materials, or reference to pertinent portions of the record. The request shall be made by motion and shall contain the reasons for the request, a summary of the discovery which remains to be taken, and a date certain when the requesting party will complete the additional discovery, join other parties, amend the pleadings or file motions. The Court may then enter a final scheduling order, if necessary.

Counsel are encouraged to seek an early resolution of this matter. Additional case management conferences may be scheduled by the court or upon the request of counsel, if the Court can be of assistance in resolving preliminary issues or in settlement.

By the Court,

/s/ Rebecca Greenberg
Deputy Clerk

DATED: April 7, 2004